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MARY BREEN SMITH
CRAIG W. MUELLER
PAUL S. CHA
MARK W. SCOTT*
*IL Bar Only

SHERIDAN ROSS
A Professional Corporation
ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY
SUITE 1200
DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700
FACSIMILE (303) 863-0223
E-MAIL arlw@sheridanross.com

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KERMIT F. ROSS
1910-1986

OF COUNSEL
PHILIP H. SHERIDAN
DAVID F. ZINGER
CRAIG C. GROSETH
SCOTT R. BLALECKI

TECHNICAL SPECIALISTS
DENNIS J. DUPRAY, Ph.D.
ANGELA DALLAS SEBOR, Ph.D.
MATTHEW R. ELLSWORTH

June 16, 2005

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JUN 16 2005

Application No. 10/764,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SREENIVAS et al.

Serial No.: 10/764,422

Filed: January 23, 2004

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) Group Art Unit: 2821

) Confirmation No.: 8973

) Examiner: Chen, Shih Chao

) RESPONSE TO RESTRICTION
) REQUIREMENT

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SHERIDAN ROSS P.C.

Tricia E. Van Hooser

Tricia E. Van Hooser

Dear Sir:

This response to Restriction Requirement is submitted in reply to the Examiner's Action having a mailing date of May 16, 2005. Although no fees are believed due in connection with the filing of this paper, please charge any fees deemed necessary to Deposit Account 19-1970.

In the Office Action dated May 16, 2005, the Examiner imposed a requirement that either of two identified groups of claims be selected for examination. The requirement is respectfully traversed. In particular, it has not been shown that both 1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and 2) that the subcombination has utility by itself or in other combinations. Therefore, it is submitted that restriction would be improper.

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The Office Action finds that Claims 46-55 comprise a first group of claims that are drawn to a method for modifying a dielectric constant of a dielectric material comprising forming a plurality of holes in the dielectric material. The Office Action further finds that Claims 56-90 comprise a second group drawn to an antenna having a ground plane and a dielectric material. It is noted that Claims 46-55 essentially state a subcombination that is included in the combination recited by Claims 56-90. For example, Claim 46, included in the first group, recites a method that comprises the element of "relieving said dielectric material, wherein said dielectric constant of said material is reduced," and Claim 79, which is included in the second group, recites "forming a number of holes...in the selected material to obtain a modified dielectric constant (ϵ_m) that is less than the dielectric constant (ϵ_s) of the selected material without the holes."

It is submitted that the Office Action imposing the Restriction Requirement does not present any argument in support of the necessary findings that the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and that the subcombination has utility by itself or in other combinations. In that regard, the Office Action states that "in the instant case, the combination as claimed in Group I does not require the particulars of the subcombination as claimed in Group II." However, the claims identified as belonging to Group I generally state the subcombination. Furthermore, as noted above, claims included in Group II generally require elements recited by claims of Group I. The Office Action also states that "the subcombination has separate utility such as an antenna of the ground plane of Group II." However, the claims that recite an antenna, which are included in Group II, generally state a combination incorporating the subcombination recited by the claims of Group I. Therefore, the Office Action has not established that the identified groups of claims recite separate and distinct inventions. Accordingly, restriction is improper and the requirement for restriction should be reconsidered and withdrawn.

Applicant provisionally elects the claims of Group II (Claims 56-90) should the Restriction Requirement be made final.

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In view of the foregoing, reconsideration and withdrawal of the Examiner's Restriction Requirement are respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite prosecution of this application.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Bradley M. Knepper
Registration No. 44,189
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: June 16, 2005